

FILED
3/15/21 10:19 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: William T. Hutchinson, Sr. and) Case No. 17-70463-JAD
Karen S. Hutchinson)
) Chapter 13
)
Debtor(s).) Related Tp Doc. Nos. 76, 74
X

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis** ☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate Protection **1-21-2021**

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$_____, beginning _____. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☒ B. The length of the Plan is changed to a total of at least 61 months. This statement

of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
➤ PA Department of Revenue cl#2
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☒ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
- Wilmington Savings Fund Society FSB cl#5
- ☒ K. Additional Terms and Conditions:
- No further payments to Indiana County Tax Claim Bureau cl#4 as it has been paid in full per letter from creditor
 - The following PPFN(s) will be paid under Plan after objection deadline has passed if no objection filed and sustained: Wilmington Savings Fund Society FSB cl#5, PPFNs: \$314.87; \$287.15; and \$2130.56

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded,

Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: March 15, 2021


Jeffery A. Deller **mas**
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
William T Hutchinson, Sr.
Karen S Hutchinson
Debtors

Case No. 17-70463-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: msch

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Date Rcvd: Mar 15, 2021

Form ID: pdf900

Total Noticed: 29

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 17, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ William T Hutchinson, Sr., Karen S Hutchinson, 75 Privateroad 5069, Commodore, PA 15729-9116
14643582	Access Services - VIN Capitol, P.O. Box 157, Tampa, FL 33603
14661269	CitiFinancial Servicing LLC, P.O. Box 6043, Sioux Falls, SD 57117-6043
14643590	+ Holiday Financial Serv, 300 Walmart Dr Ste 150, Ebensburg, PA 15931-4214
14643591	+ Indiana County Tax Claim Bureau, 825 Philadelphia Street, Indiana, PA 15701-3951
14662005	Navient Solutions, LLC. on behalf of, Educational Credit Management Corporatio, PO BOX 16408, St. Paul, MN 55116-0408
14643595	+ Penelec, 76 S. Main Street A-RPC, Akron, OH 44308-1812
14724926	+ Penelec, c/o FirstEnergy, Building #1, Suite 1-511, 101 Crawford's Corner, Holmdel, NJ 07733-1976
14643597	+ Tek Collect, 871 Park St, Columbus, OH 43215-1441
14643598	+ United Auto Credit Co, 1071 Camelback St Ste 10, Newport Beach, CA 92660-3046
14643599	Westlake Financial Svc, PO Box 141419, Irving, TX 75014-1419
14726444	+ Wilmington Savings Fund Society, c/o Aldridge Pite, LLP, 4375 Jutland Drive, Suite 200, P.O. Box 17933, San Diego, CA 92177-7921
14750508	+ Wilmington Savings Fund Society, FSB, Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5948

TOTAL: 13

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14643583	+ Email/Text: EBNProcessing@afni.com	Mar 16 2021 05:48:00	Afni, Inc., Po Box 3097, Bloomington, IL 61702-3097
14643584	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Mar 16 2021 04:59:18	Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
14643585	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 16 2021 05:00:50	Citifinancia, 300 Saint Paul Pl, Baltimore, MD 21202-2120
14643586	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Mar 16 2021 05:47:00	Commonwealth of Pennsylvania, Department of Revenue, Strawberry Square, Fourth & Walnut Streets, Harrisburg, PA 17128-0001
14643587	+ Email/PDF: creditonebknofications@resurgent.com	Mar 16 2021 04:59:30	Credit One Bank Na, Po Box 98872, Las Vegas, NV 89193-8872
14643588	+ Email/Text: bankruptcynotice@fcbanking.com	Mar 16 2021 05:46:00	First Commonwealth Ban, 601 Philadelphia St, Indiana, PA 15701-3952
14643589	+ Email/Text: fsncustbrnotice@fullservicenetwork.com	Mar 16 2021 05:46:00	Full Service Network, 600 Grant St Fl 30, Pittsburgh, PA 15219-2702
14643592	Email/Text: sbse.cio.bnc.mail@irs.gov	Mar 16 2021 05:46:00	IRS, Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
14699354	Email/PDF: resurgentbknofications@resurgent.com	Mar 16 2021 05:00:10	LVNV Funding, LLC its successors and assigns as, assignee of FNB, LLC, Resurgent Capital

District/off: 0315-7

User: msch

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			Services, PO Box 10587, Greenville, SC 29603-0587
14699357	Email/PDF: resurgentbknofications@resurgent.com	Mar 16 2021 05:25:41	LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14643593	+ Email/PDF: pa_dc_claims@navient.com	Mar 16 2021 04:59:52	Navient, Po Box 9500, Wilkes Barre, PA 18773-9500
14643596	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Mar 16 2021 04:59:46	Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541
14726077	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Mar 16 2021 04:59:51	Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541
14655006	Email/Text: RVSVCBICNOTICE1@state.pa.us	Mar 16 2021 05:47:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg PA 17128-0946
14678889	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Mar 16 2021 05:16:40	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14773934	+ Email/Text: peritus@ebn.phinsolutions.com	Mar 16 2021 05:49:00	Westlake - C/O Peritus Portfolio Services, P.O. Box 141419, Irving, TX 75014-1419

TOTAL: 16

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Westlake Financial Svc
cr		Wilmington Savings Fund Society, FSB, as trustee o
cr	*	Westlake C/O Peritus Portfolio Services, P.O. Box 141419, IRVING, TX 75014-1419
14712684	*P++	PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067, address filed with court, Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14783797	*	Westlake C/O Peritus Portfolio Services, P.O. Box 141419, Irving, TX 75014-1419
14643594	##+	Northwest Consumer Discount Company, PO Box 456, Punxsutawney, PA 15767-0456

TOTAL: 2 Undeliverable, 3 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 17, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 15, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Wilmington Savings Fund Society FSB, as trustee of Stanwich Mortgage Loan Trust A bnicholas@kmlawgroup.com

District/off: 0315-7

User: msch

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Kenneth P. Seitz

on behalf of Joint Debtor Karen S Hutchinson thedebterasers@aol.com

Kenneth P. Seitz

on behalf of Debtor William T Hutchinson Sr. thedebterasers@aol.com

Office of the United States Trustee

ustregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 5